



# STAFF REPORT

**AGENDA ITEM: #4**

**CASE NUMBER: P.D. 05-337**

**L.U.C.B. MEETING: February 23, 2017**

**LOCATION:**

Southwest corner of Players Club Parkway and Hacks Cross Road

**COUNCIL DISTRICT(S):**

District -2 Super District 9 -Positions 1, 2 & 3

**OWNER/APPLICANT:**

T. Phillip Dean and Caroline O. Smith/Beruk Properties Inc.

**REPRESENTATIVE:**

Thomas Hewgley

**REQUEST:**

Major Modification to Parcel C to: 1. Allow a convenience store with gasoline sales 2. Add Vehicle Service and Vehicle Parts and Accessories as prohibited uses.

**ACRES:**

1.15 Acres

**EXISTING LAND USE & ZONING:**

Vacant land in Parcel C regulated by the Commercial Mixed Use-1 District. Parcel also includes strip commercial center, self-service storage

## CONCLUSIONS

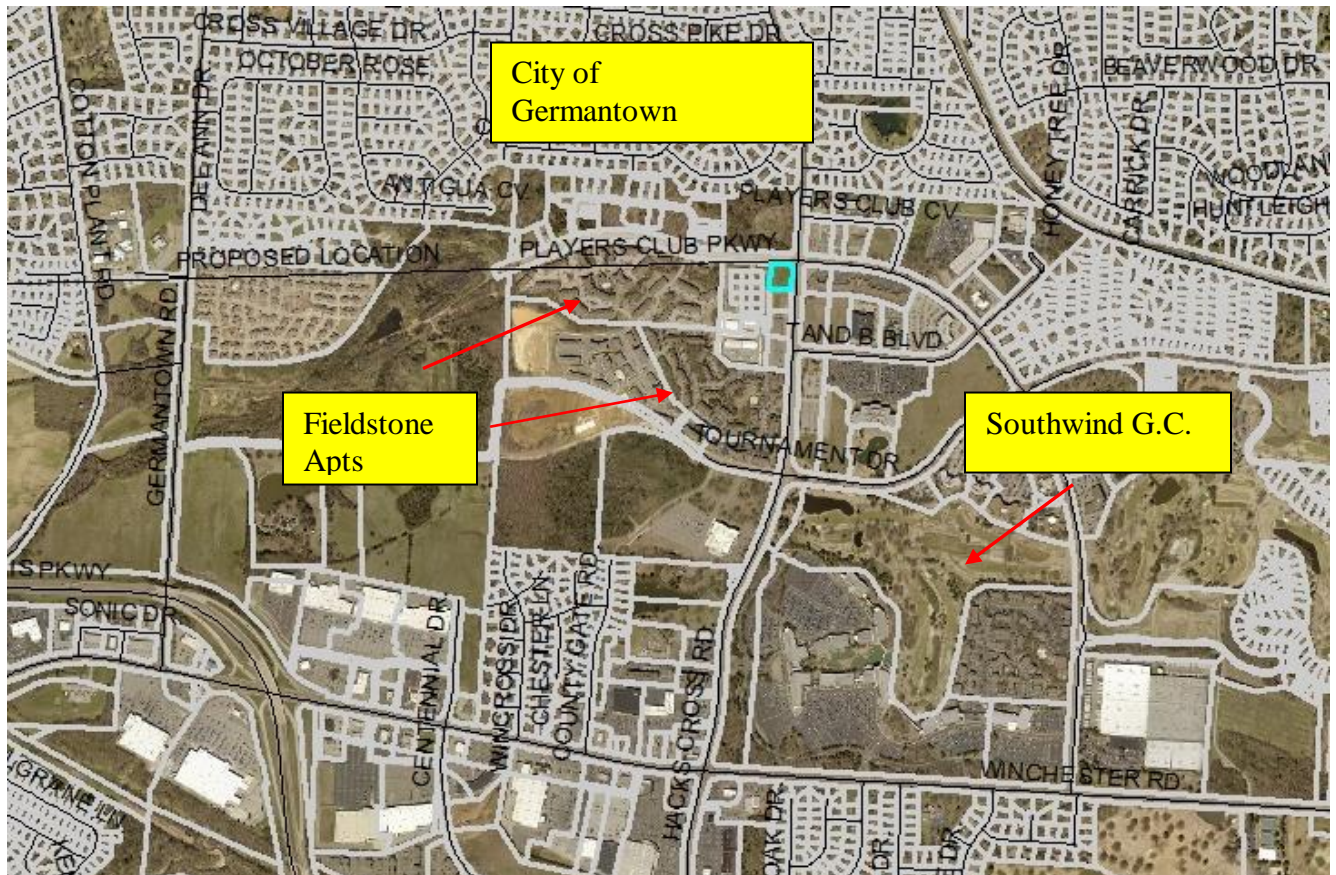
1. Based on the staff's review of the character of the area, the intensity of the proposed use, and the existing road network, staff cannot support the requested use.
2. Staff does agree that there are other uses that are permitted today in the CMU-1 District that are problematic at this location. Staff would welcome the opportunity to revise the conditions to preclude those uses but not as a trade-off for what staff feels is an inappropriate use.

## RECOMMENDATION *REJECTION*

**Staff Writer: John D. (Don) Jones**

**E-mail: [john.jones@memphistn.gov](mailto:john.jones@memphistn.gov)**

### General Location



The subject site is identified in blue at the southwest corner of Hacks Cross Road and Players Club Parkway (formerly Knight Arnold Road).

The City of Germantown is located to the north. The Southwind Development is located on the east side of Hacks Cross Road.



Existing Conditions



- 1= Subject Property proposed for Convenience Store with Gasoline Sales
- 2= Vacant land under construction – proposed use Self-storage warehouse
- 3= Existing Assisted Living Facility
- 4= Existing Office
- 5= Vacant land (approved for office or Hotel)
- 6= New Dentist office – see pictures below
- 7= Existing retail center



Subject property facing west from Hacks Cross Road



Immediately north of subject (northwest corner of Hacks Cross Road and Players Club Parkway) land being prepared for development. Site has been approved for Self-service Storage.





Northeast corner of Hacks Cross Road and Players Club Parkway. Existing Assisted Living Facility.



Southeast corner of Hacks Cross Road and Players Club Parkway, opposite subject property. Former commercial area converted to office uses.



Vacant land on the east side of Hacks Cross Road. This site is approved for Office and/or Hotel, Parcel 5B Southwind Planned Development.



Immediately south of subject property, newly constructed dental office.





Immediately south of the new dentist office, an existing retail center.

PLAYER'S CLUB PARKWAY  
108' ROW

RIGHT-IN, RIGHT-OUT  
W/ MOUNTABLE CURB

EXISTING 5' S/W

587°4'08"E 167.69'  
LANDSCAPE PLATE A-3  
OR EQ. W/ BERM

RESERVED FOR STORM  
WATER DETENTION

LANDSCAPE PLATE A-3  
OR EQ. W/ BERM

RADIUS: 40'  
CHORD: 542'00"36"E  
CH LENGTH: 56.79'  
ARC L: 63.15'  
Δ: 90°27'04"

CITY BENCHMARK

HACKS CROSS ROAD  
108' ROW

ONLY

TIE INTO EX ASPHALT &  
CURB & GUTTER, MATCH  
EX GRADE, TYPE &  
ALIGNMENT

50'17'55"W 207.51'

50'17'55"E 241.15'

1.15 ACRES

2' CONC. CURB ALONG BLDG

PROPOSED CONVENIENCE STORE  
PROPOSED 30'x70' (APPROX)  
PROPOSED 30'x70' (APPROX)

HEAVY DUTY ASPHALT PAVEMENT

112'

30'

25'

26'

30'

20'

50'

17'14"

50'

587°4'08"E 167.69'

50'17'55"E 241.15'

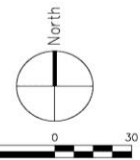
50'17'55"W 207.51'

586°47'04"W 208.00'

COHEN, SOUTHWIND LLC.  
PARCEL ID: 810820015  
PT. PHASE 12 SOUTHWIND RUD  
P.B. 160 PG. 45  
PD BOX 190  
CLARKSDALE, MS 38614  
R-15 COMMERCIAL OFFICE LOW

THE  
 ACCORDING TO THE REVERSED FLOODING EMERGENCY MANAGEMENT AGENCY'S CITY FLOODING RATE MAP (FRM) THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAZED AREA IN COMMUNITY MAP NUMBER 47157020.F, DATED SEPTEMBER 28, 2007.  
 CITY BENCH MARK: CITY MOUNTAIN IS LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF HACKS CROSS ROAD AND PLAYERS CLUB PARKWAY AT BACK OF CURB E.R. ON HACKS CROSS LANE. 4+4' CONCRETE POST BRASS CAP/MIDDLE ELEVATION=332.10  
 THE AREAS DENOTED BY "RESERVED FOR STORM WATER DETENTION" SHALL NOT BE USED AS A BUILDING SITE OR FILLED WITHOUT FIRST OBTAINING WRITTEN PERMIT FROM THE CITY OF CHANDLER. ANY SUCH FILLS OR BUILDINGS LOCATED IN THESE AREAS, EXCEPT FOR THOSE PARTS LOCATED IN A PUBLIC DRAINAGE EASEMENT, SHALL BE OWNED AND MAINTAINED BY THE PROPERTY AND/OR PROPERTY OWNER'S ASSOCIATION. SUCH MAINTENANCE SHALL BE PERFORMED SO AS TO ENSURE THAT THE SYSTEM OPERATES IN ACCORDANCE WITH THE APPROVED PLAN ON FILE IN THE CITY/COUNTY ENGINEERING OFFICE. SUCH MAINTENANCE SHALL, BUT NOT BE LIMITED TO: REMOVAL OF SEDIMENTATION, FALLEN OBJECTS, DEBRIS AND TRASH; MOUND OUTLET CLEANING; AND REPAIR OF DRAINAGE STRUCTURES(S).

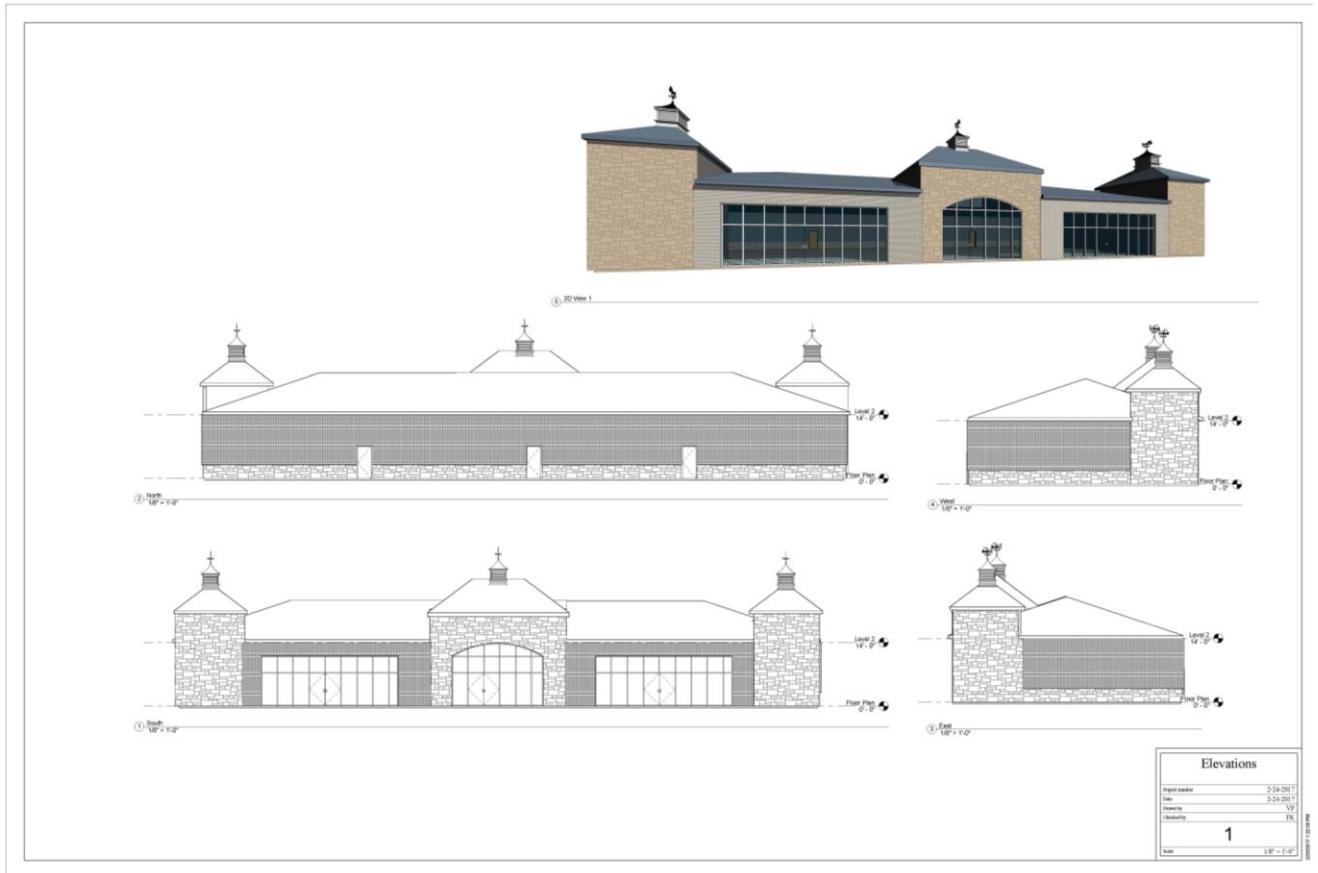
GROSS LAND AREA	49,998 S.F.
GROSS BLDG. AREA	7,000 S.F.
MAXIMUM BUILDING HEIGHT	35 FEET
ACTUAL BUILDING HEIGHT	19'-1"
PARKING REQUIRED (BASED ON 1 PER 300 S.F.)	24 SPACES
PARKING PROVIDED	
STANDARD 8.5'x19'	23 SPACES
HANDICAPPED	2 SPACES
TOTAL	25 SPACES



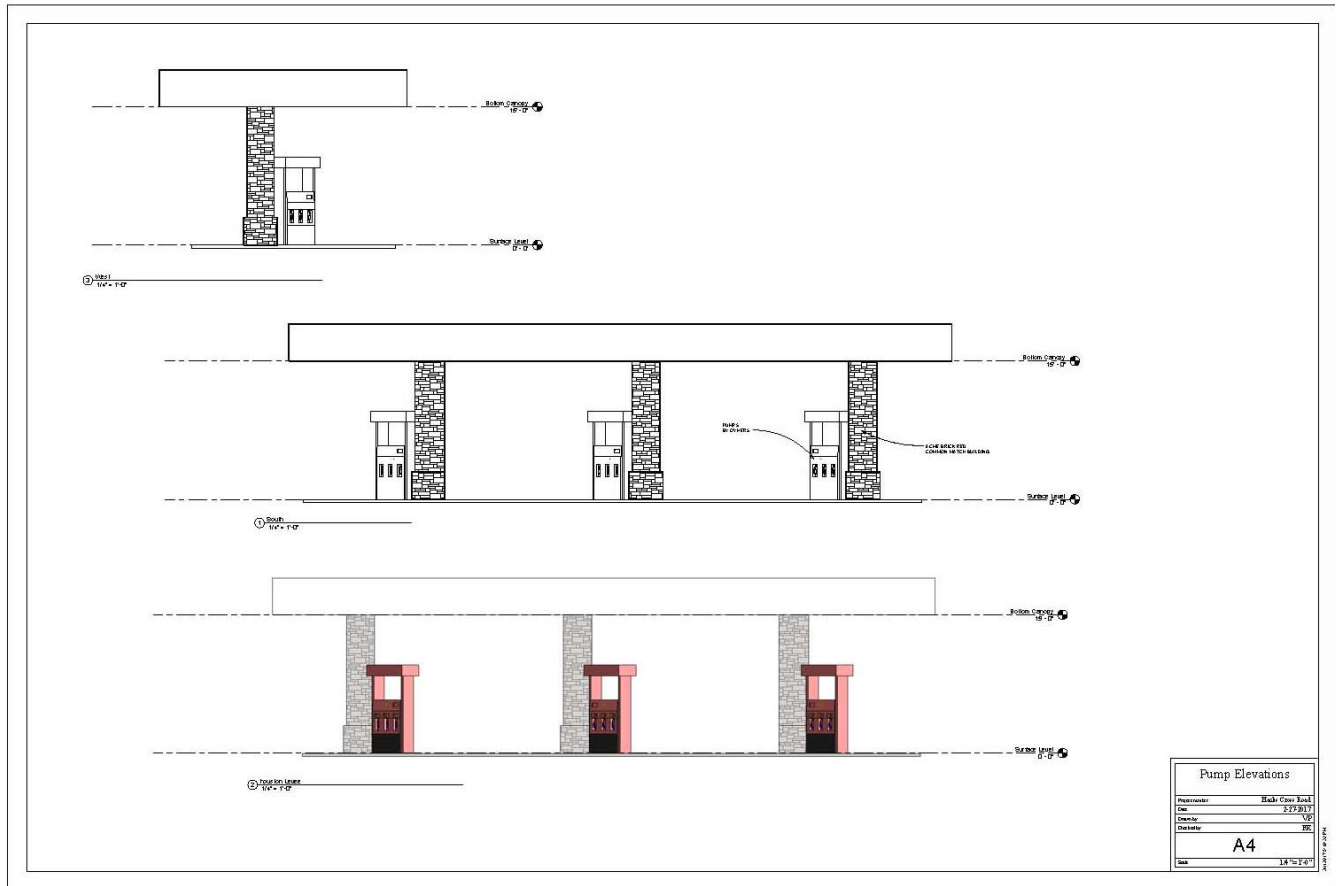
REQUIRED SIDEWALKS			
STREET NAME	S/W WIDTH	SIDE	LOCATION FROM CURBLINE
PLAYERS CLUB PARKWAY	5 FT EXISTING	SOUTH	5' BEHIND F.O.C.



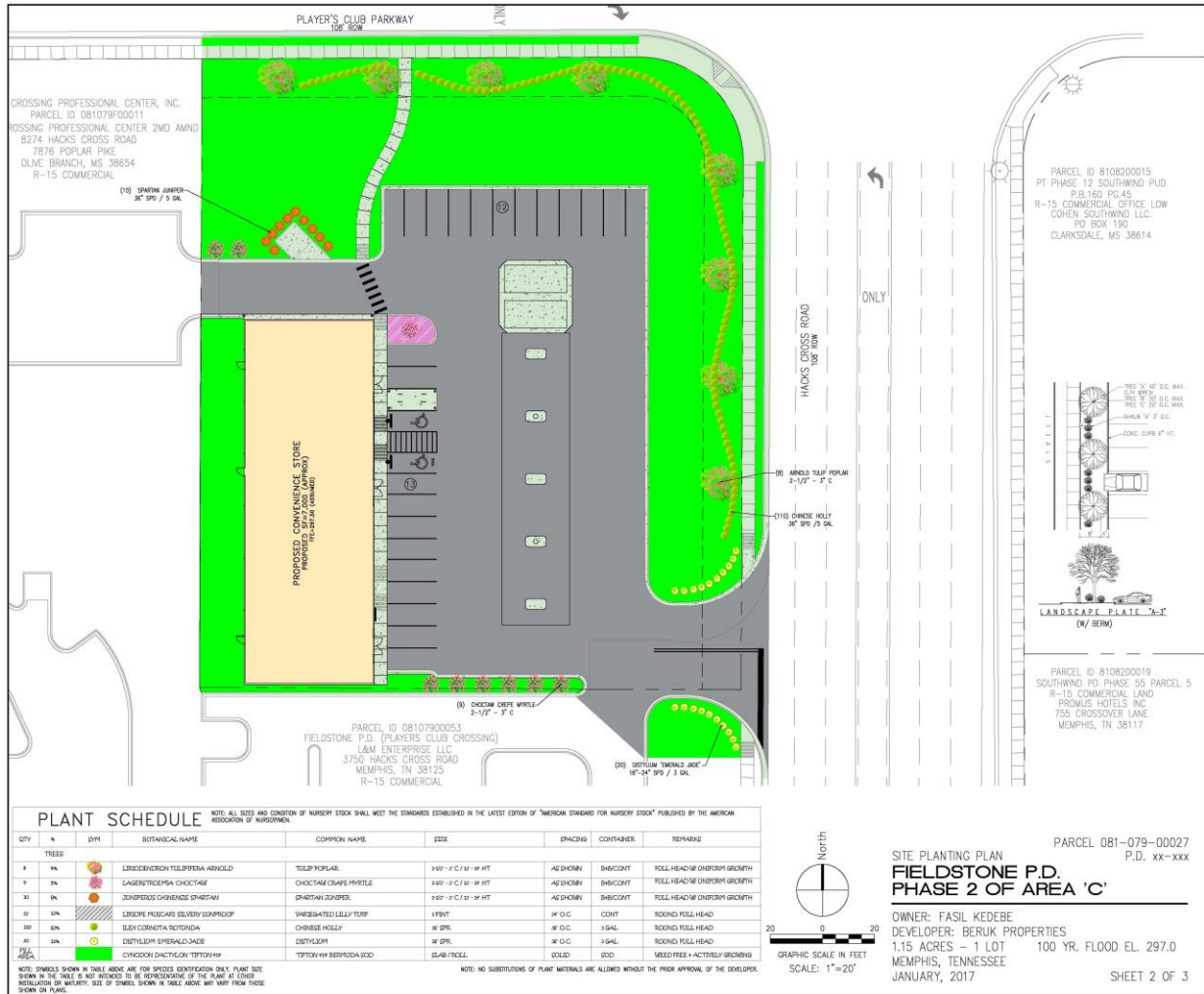
## Elevations



## Canopy Elevation

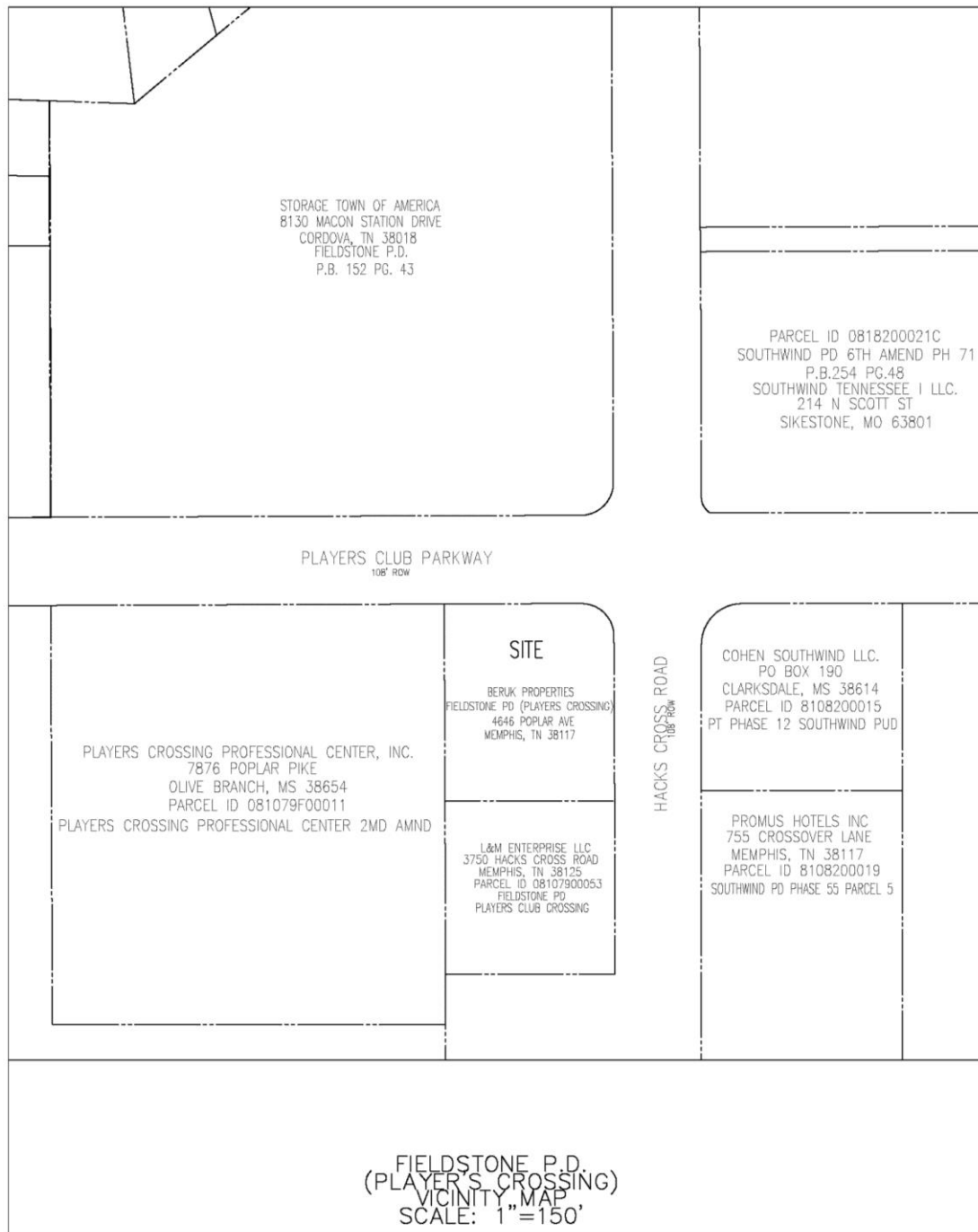


## Proposed Landscaping Plan





### Vicinity Map



### Public Notice

Mailed Public Notice – Twelve (12) notices were mailed on February 24, 2017

Public Notice Sign - Two public notice signs have been posted.

## STAFF ANALYSIS

### Request:

The request is to modify the existing conditions that govern Parcel C of the Fieldstone Planned Development to remove the prohibition on gasoline sales. The applicant has provided a site plan to illustrate how this use can be accommodated on this property.

The original application requested to modify the Uses Permitted section of the Planned Development for Parcel C to remove the prohibition on gasoline sales and taverns. The applicant also offered to add Vehicle Service and Vehicle Parts and Accessories to the list of prohibited uses.

However, since the applicant's interest is to develop this site with a 2-bay commercial center with gasoline sales, the request has been modified to focus on the Convenience Store with gasoline sales and drop the request to allow a Tavern. The request to further restrict uses such as Vehicle Service and Vehicle Parts and Accessories remains a part of this request.

P.D. Conditions- Per the changes permitted under P.D. 05-337

(P.D. 94-355 - FORMERLY) Fieldstone Outline Plan Conditions: P.D. 05-337		
I. Uses Permitted		J. 1
A. Parcel A: Any use permitted by right and administrative site plan review in the Single Family Residential (R-S10) District.		1
B. Parcel B: Any use permitted by right or by administrative site plan review in the Multiple Dwelling Residential (R-ML) District.		1
<u>3</u> C. Parcel C: Any use permitted by right and administrative site plan review in the Local Commercial (C-L) District with the exception of taverns, liquor stores and gasoline sales. One (1) retail/wine/liquor store establishment to allow retail sales only shall be permitted with a maximum square feet of 7,565 square feet of floor area.		2
D. Parcel D: Any use permitted by right and administrative site plan review in the General Office (O-G) District.		3
E. Parcel E: Any use permitted by right or by administrative site plan review in the Single Family Residential (R-S10) District.		4
II. Bulk Regulations		5
	IV. Lar	
	A. E	
		1
		2
		3
		4
		5
	B. I	
	a	
	t	

### Justification

The applicant's letter of intent states that the owner of the property was the originator of the Planned Development and the author of the language restricting liquor sales, gasoline sales, and taverns. He, the owner, is now in favor of the change in language to allow the gasoline sales.

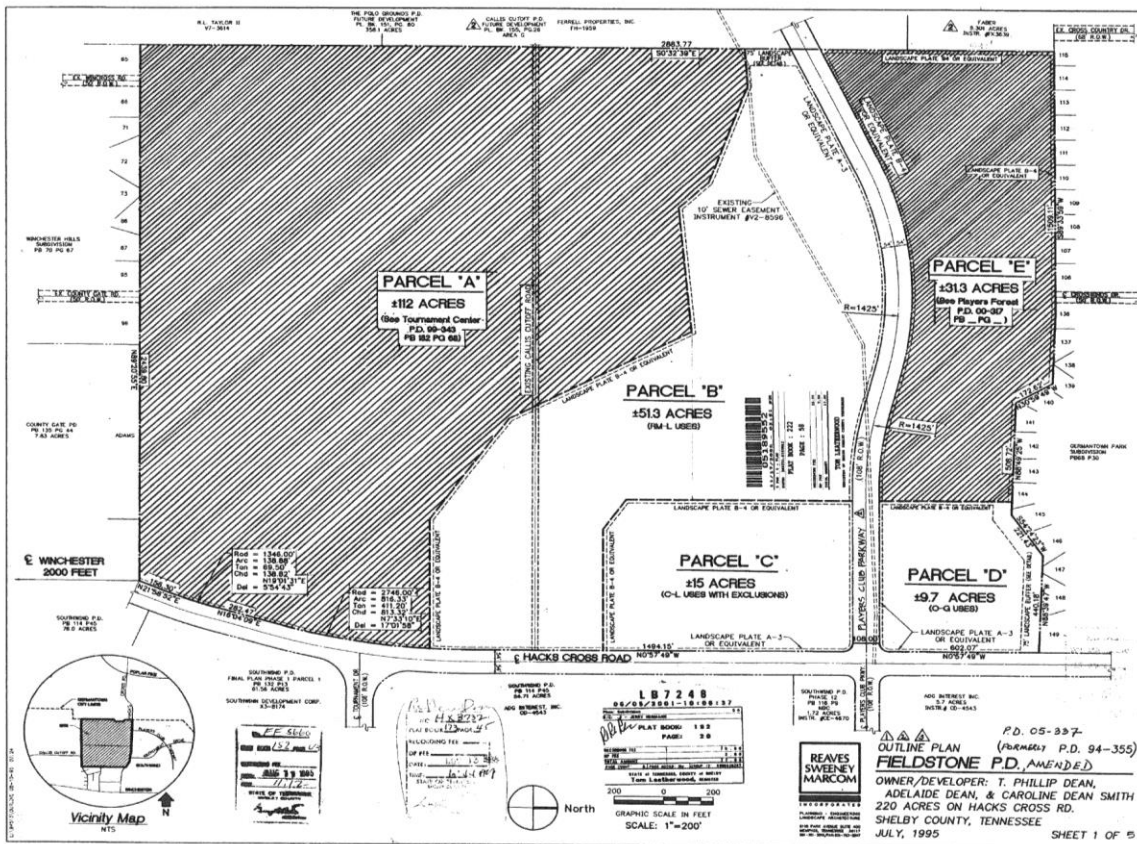
The applicant feels that since this is primarily a retail/office/multi-family area, a “Class A” convenience store with gas pumps along with retail would benefit the area. The applicant asks the Land Use Control Board to consider that it has been 12 years since the last recording of the Outline Plan and that the “development and economic landscape has changed” during that period.

## Review of Request

### Overview of the Fieldstone Planned Development

The Outline Plan below illustrates the original layout of the Fieldstone Planned Development. Parcels A–E and some of the many changes that have taken place since its original adoption.

P.D. 94-355 – North is toward the right side of the graphic.



Parcel A was designated for Single Family Residential development. This section of the P.D. was later converted to the Tournament Center P.D. and the uses permitted were modified to permit limited commercial, office and multi-family residential.

Parcel B is completely built out with the Fieldstone Apartments.



Parcel C, see page 3, includes a retail center with two buildings, a cell tower, self-service storage, 3 residential styled office buildings, and the recently completed dentist office. The Hacks Cross Road frontage is nearly completely occupied with the exception of some space next to the new dentist office and the subject property. There are approximately 6 vacant office lots behind the subject property.

Parcel D is vacant. An amendment was approved in December of 2015 to allow a self-service storage facility as a permitted use.

Parcel E was originally designated for single family residential. It was later converted to the Players Forrest Planned Development. It is regulated by the O-G district and has seen some limited development for small, residentially sized and styled offices.

One other change relative to this request is found on page 9. This is the mark up to the Outline Plan Conditions associated with P.D. 05-337. This change removed the prohibition of a liquor store to be replaced by a condition to allow one (1) within Parcel C with a limit on the size of the store. A store selling alcoholic beverages is in place in the retail center of Parcel C.

From the above, it is clear that changes have taken place within this development since the time of the Planned Development's inception.

The question for staff is: is the requested change in keeping with spirit of the Planned Development and in character with the surrounding area?

#### Consideration of Request Use

*Existing Character of the area* - The current property owner may be able to shed some additional light on thinking behind the original permitted and prohibited uses in Parcel C. What is clear is that the retail center of the development is relatively small by comparison to the other sections. And while there are some purely retail uses such as a restaurant, and beer and wine sales, overall this center has trended toward service based commercial uses including optometry, dentistry, self-defense and self-service storage.

Staff also takes notice of the surrounding uses that include an Assisted Living Facility and office uses located on the northeast and southeast corners of Hacks Cross Road and Players Club Parkway respectively that contribute to the character of this area.

*Recent Amendment to the P.D.* - As noted above, staff reviewed and the City Council approved an amendment to Parcel D of the Planned Development to allow a self-service storage facility, P.D. 15-326. This application included a detailed landscape plan and building elevations. What was important to staff was the consideration that this use is a relatively low attractor/generator of traffic, certainly less than most retail; that the operation of the use was internally oriented, and that there was adequate separation between the active areas of the use and the abutting residential uses to the north.

*UDC Requirements* - The requested use of Convenience Store with Gasoline Sales is a permitted use under the CMU-1 District. This location is at the intersection of two arterials as required by the UDC. However, that point is a little misleading since Players Club Parkway only extends to the east or west for a relatively limited distance. To the east, Players Club extends approximately 1 mile and terminates as a public road into the back of a parking lot. To the west, it extends approximately ½ mile. The most recent amendment to the Callis Cutoff P.D., which is the property immediately abutting Area B of the Fieldstone P.D., expanded the multiple family residential uses associated with the Fieldstone Apartments. When the Final Plat for that development comes through for review, it will extend one half of Players Club Parkway another 185 feet to the west. The Long Range Transportation Plan calls for the road to be extended westward to eventually meet up with Knight Arnold Road. Knight Arnold Road currently terminates on the south side of Highway 385.

While the road network is adequate to serve the use, it would seem to be better served to be located at the intersection of two fully operational arterial roads.

*Operational Aspects of the Request Use* - As compared to the rest of the development in this area, the proposed Convenience Store with Gasoline Sales is more intensive and intrusive. The other commercial uses along the Hacks Cross Road frontage in Parcel C contain landscaping, a double row of parking, a drive aisle and the building. The proposed use will have landscaping, drive aisles that run north-south and east - west, the accessory use of the canopy and pumps in the front yard, parking and then building.

The other way in which this use is more intensive is that Convenience Stores with Gasoline Sales are typically open 7 days a week and 24 hours per day. Nothing has been submitted with this application to suggest otherwise. These may be some of the reasons that gasoline sales as well as a tavern were originally precluded from consideration.

The applicant has submitted elevations and a landscape plan as requested by staff. The elevations are very attractive and for the most part match the prevalent building style of the area. If approved by the Land Use Control Board, staff does recommend in Condition 3 c on page 17, that the roof of the canopy be designed to match the roof of the building.

### Conclusion

For the reasons stated above; character of area, intensity of use, existing road network, and staff cannot support the requested use. Staff does agree that there are other uses that are permitted today in the CMU-1 District that would be problematic. Staff would welcome the opportunity to revise the conditions to preclude those uses but not as a trade-off for what staff feels is an inappropriate use.

### **RECOMMEDATION: REJECTION**

If approved, the following note shall be added to the Outline Plan Conditions

On March 9, 2017, the Memphis and Shelby County Land Use Control Board approved a Major Modification to Parcel C as follows:

1. Revise the Uses Permitted Conditions for Parcel C to include a Convenience Store with Gasoline Sales to be located at the southwest corner of Hacks Cross Road and Players Club Parkway.
2. Revise the Uses Permitted Conditions for Parcel C to prohibit Vehicle Service and the sale of Auto Parts and Accessories.
3. The Final Plat shall include a detailed landscape plan and building elevations.
  - a. The main building shall be composed of brick and or stone.
  - b. The building shall include a pitched roof with architectural shingles.
  - c. The canopy roof shall match the roof of the building in design and materials.
  - d. The support columns shall be covered in brick or stone to match the principal building.
  - e. One ground mounted, monument style sign detached sign shall be permitted.
4. The City Engineers comments, as applicable, shall also be added to the Final Plat.

---

#### **GENERAL INFORMATION**

**Zoning Atlas Page:** 2350

**Parcel ID:** 081079 00052

#### **DEPARTMENTAL COMMENTS**

The following comments were provided by agencies to which this application was referred:

**City Engineer:**

CASE: PD 05-337

NAME: Fieldstone PD

1. Standard Subdivision Contract as required in Section 5.5.5 of the Unified Development Code.



Sewers:

2. City sanitary sewers are available at developer's expense.

Traffic Control Provisions

3. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5 foot wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5 foot clear pedestrian path, an exception may be considered.
4. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.
5. The developer's engineer shall submit a Trip Generation Report that documents the proposed land use, scope and anticipated traffic demand associated with the proposed development. A detailed Traffic Impact Study will be required when the accepted Trip Generation Report indicates that the number of projected trips meets or exceeds the criteria listed in Section 210-Traffic Impact Policy for land Development of the City of Memphis Division of Engineering Design and Policy Review Manual.

Curb Cuts/Access:

6. The existing curb cut on Hack's Cross Road is located as shown on the plat and shall be utilized for this project. An ingress-egress easement shall be shown on that curb cut to permit the adjacent property to the south to use the access point when it develops.
7. The proposed curb cut on Players Club Parkway is located too close to the intersection and will not be approved by the City Engineer as a full movement curb cut.
8. Internal circulation is a requirement of the conditions. The property to the west of this site has provided internal circulation to this corner but the curb cut is gated and the access point has a wrought iron/brick fence across the access. The SCRO does not have a plat in the public record showing the office condo site.
9. The City Engineer shall approve the design, number and location of curb cuts.
10. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.

11. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards.
12. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
13. Any curb cut along the Players Club Parkway frontage beginning closer than 300 feet from the centerline of Hacks Cross Road will be limited to right in/right out access only.

**Drainage:**

14. Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis Drainage Design Manual.
15. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
16. The developer should be aware of his obligation under 40 CFR 122.26(b) (14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

**Site Plan Notes:**

17. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.

**General Notes:**

18. All commons, open areas, lakes, drainage detention facilities, private streets, private sewers and private drainage systems shall be owned and maintained by a Property Owner's Association. A statement to this effect shall appear on the final plat.

Required landscaping shall not be placed on sewer or drainage easements

**City/Fire Division:** No comments received.

**City Real Estate:** No comments received.

**County Health Department:**

*No comments by the Water Quality Branch & Septic Tank Program.*

**Shelby County Schools:** No comments received.

**Construction Code Enforcement:** No comments received.

**Memphis Light, Gas and Water:** No comments received.

**Neighborhood Associations:** No comments received.

**Application**

**Letter of Intent**

**Letters of Opposition**

Application

Jan 30 17 02:35p

p.2



Memphis and Shelby County  
Office of Planning and Development

CITY HALL 125 NORTH MAIN STREET-SUITE 400 MEMPHIS, TENNESSEE 38103-2084 (901) 576-6601

APPLICATION FOR PLANNED DEVELOPMENT  
MAJOR MODIFICATION/LUCB SITE PLAN  
(CORRESPONDENCE) APPROVAL

Date: 1/8/17

Previous Case #: \_\_\_\_\_

PLEASE TYPE OR PRINT

Name of Development: HACKS / PLAYERS CLUB SW CORNER

Property Owner of Record: T PHILLIP DEAN AND CAROLINE O SMITH Phone #: \_\_\_\_\_

Mailing Address: 7876 POPLAR PIKE City/State: MEMPHIS Zip 38138

Property Owner E-Mail Address: \_\_\_\_\_

Applicant: Beruk Properties, Inc Phone # 901 327-5800

Mailing Address: 4646 Poplar #302 City/State: Memphis Zip 38117

Applicant E-Mail Address: beruk@berukproperties.net

Representative: Thomas Hewgley Phone #: 901 3051755

Mailing Address: 495 S. Perkins #104 City/State: Memphis Zip 38117

Representative E-Mail Address: thomas.hewgley@yahoo.com

Engineer/Surveyor: Terry Boyd PE Phone # 901 2574296

Mailing Address: 4646 Poplar Ave Suite 302 City/State: Memphis, TN Zip 38117

Engineer/Surveyor E-Mail Address: tboyd03@gmail.com

Correspondence item Street Address Location: O Players Club Parkway

Distance to nearest intersecting street: 0 feet - Hacks Cross

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>1.15</u>	_____	_____
Existing Zoning:	<u>P-15/PP</u>	_____	_____
Existing Use of Property	<u>vacant land</u>	_____	_____
Requested Use of Property	<u>commercial</u>	_____	_____

Type of Correspondence Item Requested:

☒ Major Modification(s) (See UDC Para. 9.6.11E(2) for a list of Major Modifications)

☒ Land Use Control Board Site Plan Approval

~~Unincorporated Areas: For residential projects in unincorporated Shelby County, please provide the following information:~~

~~Number of Residential Units: \_\_\_\_\_ Bedrooms: \_\_\_\_\_~~

~~Expected Appraised Value per Unit: \_\_\_\_\_ or Total Project: \_\_\_\_\_~~

Description of and justification for request: For time extensions provide reasons necessitating extensions and estimated time frame for finalizing the development:

*\* PLEASE SEE ATTACHED \**

I (we) hereby make application for the Correspondence Case described above and on the accompanying materials. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

*J. Phillips Dean* *1/30/17* *Paul Kebede* *1-21-17*  
Property Owner of Record      Date      Applicant      Date

**SIGN POSTING:** A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing for any Major Modification. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

**REQUIRED MAJOR MODIFICATIONS:** The following items shall be deemed as Major Modifications to an approved Planned Development Outline Plan:

- A. Any revision to an Outline Plan that involves adding uses of a higher classification. Note: Adding uses of a lower classification will require the submittal of an Outline Plan Amendment. See Sub-Section 10.2.5B of the UDC for more information on higher and lower classifications.
- B. Any extension of the expiration date of an Outline Plan, provided the expiration date has not passed (see Sub-Section 9.6.14A).
- C. Any filing of a Final Plan in a Planned Development that was approved more than five years prior to the filing date and where the Outline Plan contains no expiration provisions.
- D. Any final plan that provides for more density than is permitted under the approved Outline Plan, unless the Outline Plan explicitly allows for such additional density (see Item 9.6.11D(3)(a) of the UDC).
- E. Any modification to the orientation of buildings as shown on the Outline Plan or the Outline Plan's Concept Plan that exceeds the following (see Item 9.6.11D(3)(c) of the UDC):
  - 1. 25 feet for final plans of two or less acres;
  - 2. 50 feet for final plan of more than two but less than eight acres;
  - 3. 100 feet for final plans of eight acres but than 20 acres; and
  - 4. 150 feet for final plans of 20 acres or more.



## Letter of Intent

January 25, 2017

Mr. Josh Whitehead  
Planning Director  
Memphis and Shelby County  
Office of Planning and Development  
City Hall, 125 N. Main  
Suite 468  
Memphis, TN 38103

### **RE: Major Modification – Players Club and Hacks Cross**

Dear Josh:

I hereby petition the Office of Planning and Development and the Land Use Control Board to consider and approve the following modification to PD numbers: 94-355 and 05-337, recorded at instrument numbers 06087481 and 05189552, respectively.

Pursuant to the recorded plans, the original developer had restricted the uses, in the initial PD, of this section of the development, to C-L (currently CMU-1), and further restricted such categorical uses permitting all uses under the C-L district, except for taverns and gasoline sales. They did allow “One (1) retail/wine/liquor store establishment to allow retail sales only shall be permitted with a with a (sic) maximum square feet of 7,565 square feet of floor area.” The subsequent filing of 94-355 consolidated this language to include any use under the “C-L district with the exception of taverns, liquor stores, and gasoline sales.”

It is my request to keep the C-L (now CMU-1) district governance in full, except reinstate the uses of taverns, liquor stores, and gasoline sales. Since the PD is mainly a multifamily and office PD, the request of this use would normally constitute a upzone, so I also petition the Board to insert language in the new filing to eliminate two “more intense” uses in the C-L district: Vehicle Service, and Vehicle Parts and Accessories. This would, in my opinion, constitute the downzone that would be permitted under the major modification procedure.

Additionally, I would be remiss to mention that the seller of the parcel is the original developer, and also the author of the restrictive language originally inserted in the first PD filing. It goes without saying, that the seller/original developer does not object to the modification of the PD and the revision of uses permitted. Also, it has been 12 years since the recording of the outline plan, and I also ask for consideration of my request due to the fact that the development and economic landscape has changed in that time, and that a Class A convenience store with gas pumps, along with retail, would be a beneficial use here.

I would also like to direct your attention to the site plan and elevation which delineates the size and design. I have kept the concept to include only 7,000 sf.

I look forward to working with you further on this matter. Please let me know if I can be of assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Thomas Hewgley', with a long horizontal flourish extending to the right.

Thomas Hewgley  
Representative for Applicant

**Opposition – 2 Emails**

From: Ray Gill <ray@gillprop.com>  
Sent: Monday, February 27, 2017 4:16 PM  
To: Jones, Donald  
Cc: Les Binkley; Steve Guinn; Brown Gill  
Subject: P D 05-337 Fieldstone PD

Don,

We cannot support the Convenience store with Gasoline sales at the SW Corner of Hacks Crossing and  
Players Club. We are building a very expensive self-storage facility across the street which will  
provide a  
very passive, low intensity service to the community. There are numerous gasoline sales outlets along  
Winchester. Brown will attend the meeting to object.

Ray Gill  
Gill Properties, Inc.  
8130 Macon Station, Suite 114  
Memphis, TN 38018  
901-758-1100 office  
901-378-4930 mobile  
[ray@gillprop.com](mailto:ray@gillprop.com)



Lesley Harding Binkley III  
Vice President  
direct (901) 766-4219  
fax (901) 766-4278  
[lhb@boyle.com](mailto:lhb@boyle.com)

February 28, 2017

Mr. Don Jones  
Memphis & Shelby County  
Office of Planning and Development  
City Hall  
125 North Main St., Suite 468  
Memphis, TN 38103

**RE: Fieldstone P.D. (PD 05-337)**

Mr. Jones:

As a neighbor of the subject property, we are concerned about the application submitted to modify the Fieldstone PD. In particular, we oppose the request to lift the use restrictions on taverns, liquor stores and gasoline sales within Parcel C.


We respectfully ask that staff recommends rejection and the LUCB vote against the proposed modification.

These uses were expressly restricted in the original Planned Development and we believe that lifting the restrictions and allowing such uses is counter to the intent of the PD.

Furthermore, it is our belief that these uses will negatively impact the area which must remain well preserved in order to maintain its place as a Class A regional office destination.

Thank you for your consideration regarding this matter.

Sincerely,

  
Les Binkley

